

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

CHRISTY SLACK, Individually and On  
Behalf of All Persons Similarly Situated,

Plaintiff,

vs.

FAIR ISAAC CORPORATION and MYFICO  
CONSUMER SERVICES, INC.,

Defendants.

CASE NO. 3:05-cv-00257-MHP

~~PROPOSED~~ ORDER DESIGNATING  
INTERIM COUNSEL

DATE: April 18, 2005

TIME: 2:00 p.m.

CTRM: Honorable Marilyn Hall Patel

**~~PROPOSED~~ INTERIM COUNSEL ORDER**

WHEREAS designation of interim counsel is consistent with Rule 23(g)(2)(A) of the Federal Rules of Civil Procedure; and

WHEREAS Plaintiff Christy Slack has demonstrated that it is appropriate to appoint his counsel as interim counsel;

NOW, THEREFORE, IT IS ORDERED:

**ORGANIZATION OF COUNSEL**

The Court designates the following law firms to act as Interim Counsel in this action with the responsibilities hereinafter described:

Milberg Weiss Bershad & Schulman LLP  
One Pennsylvania Plaza  
New York, New York 10119  
Telephone: (212) 594-5300  
Facsimile: (212) 868-1229

Pope, McGlamry, Kilpatrick, Morrison &  
Norwood, LLP  
1111 Bay Avenue, Suite 450  
P.O. Box 2128 (31902-2128)  
Columbus, GA 31901  
Telephone: (706) 324-0050  
Facsimile: (706)-327-1536

Interim Counsel shall be generally responsible for coordinating the activities of Plaintiff during the pendency of this action unless and until the Court appoints counsel for the class in connection with class certification proceedings. Interim Counsel shall:

- a. determine (after consultation with other co-counsel as may be appropriate) and present (in briefs, oral argument, or such other fashion as may be appropriate, personally or by a designee) to the Court and opposing parties the position of the Plaintiff on all matters arising during the action;
- b. coordinate the initiation and conduct of discovery on behalf of Plaintiff consistent with the requirements of Federal Rules of Civil Procedure, including the preparation of written discovery, and the scheduling and examination of witnesses in depositions;
- c. conduct settlement negotiations on behalf of Plaintiff;
- d. manage work assignments in a manner to ensure that preparation for Plaintiff is conducted effectively, efficiently, and economically;

- e. enter into stipulations with opposing counsel necessary for the conduct of the litigation;
- f. retain expert consultants and witnesses;
- g. maintain time and disbursement records covering services as Plaintiff's Interim Counsel, and collect time and expense records from all Plaintiff's counsel;
- h. request, if necessary, contributions from other Plaintiff's counsel to further joint efforts on behalf of Plaintiff;
- i. monitor the activities of co-counsel to ensure that schedules are met and unnecessary expenditures of time and funds are avoided; and
- j. perform such other duties as may be incidental to proper coordination of Plaintiff's case activities or authorized by further order of the Court.

Interim Counsel are designated as the spokespersons for Plaintiff with respect to all substantive communications with the Court and with defense counsel in these actions. Other Plaintiff's counsel may communicate on substantive matters with the Court or defense counsel only if delegated to do so by Interim Counsel.

#### **COORDINATION**

Interim Counsel shall coordinate activities to avoid duplication and inefficiency in the filing, serving and/or implementation of pleadings, other court papers, discovery papers, and discovery practice.

#### **PRIVILEGES PRESERVED**

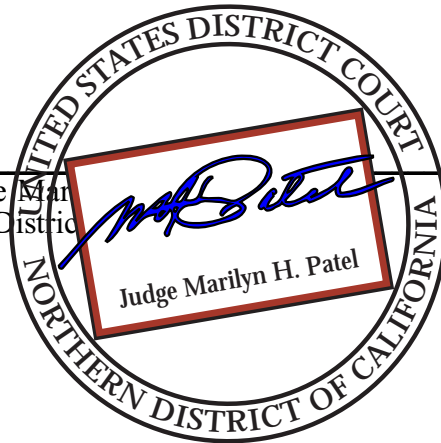
No communication among Plaintiff's counsel shall be taken as a waiver of any privilege or protection to which they would otherwise be entitled. No communication among Defendants'

counsel shall be taken as a waiver of any privilege or protection to which they would otherwise be entitled.

IT IS SO ORDERED

Dated: Nov 21, 2005

The Honorable Mar  
United States District



*Submitted By:*

MILBERG WEISS BERSHAD  
& SCHULMAN LLP  
JEFF S. WESTERMAN  
SABRINA S. KIM

/s/ Sabrina S. Kim  
SABRINA S. KIM

355 S. Grand Avenue, Suite 4170  
Los Angeles, CA 90071-3172  
Telephone: (213) 617-1200  
(213) 617-1975 (fax)

Attorneys for Plaintiff

DECLARATION OF SERVICE BY MAIL

I, the undersigned, declare:

1. That declarant is and was, at all times herein mentioned, a resident of the County of Los Angeles, over the age of 18 years, and not a party to or interest in the within action; that declarant's business address is 355 South Grand Avenue, Suite 4170, Los Angeles, California 90071.

2. That on March 10, 2005, declarant served the [PROPOSED] ORDER DESIGNATING INTERIM COUNSEL by depositing a true copy thereof in a United States mailbox at Los Angeles, California in a sealed envelope with postage thereon fully prepaid and addressed to the parties listed on the attached Service List.

3. That there is a regular communication by mail between the place of mailing and the places so addressed.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 10th day of March, 2005, at Los Angeles, California.

/s/ Faith Umaguig  
FAITH UMAGUING

**FAIR ISAAC**  
**Service List**  
**03/10/05**

**Counsel for Plaintiff**

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